



THE STATE

OF WYOMING

DAVE FREUDENTHAL
GOVERNOR

Public Service Commission

HANSEN BUILDING, SUITE 300

2515 WARREN AVENUE

CHEYENNE, WYOMING 82002

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COMMISSIONERS

KATHLEEN "CINDY" LEWIS, Chairman

STEVE OXLEY, Deputy Chairman

ALAN B. MINIER, Commissioner

HARRY IVEY

Commission Administrator

CHRISTOPHER PETRIE

Secretary and Chief Counsel

January 5, 2009

Marlene H. Dortch
Commission Secretary, Office of the Secretary
Federal Communications Commission
236 Massachusetts Avenue, N.E.
Suite 110
Washington D.C. 2002

**Re: WC Docket No. 08-251 and Comp. Pol. File No. 891
Section 214 Application, Applicant: VCI Company**

On November 17, 2008, VCI Company (VCI) notified the Wyoming Public Service Commission (WPSC) of its intent to abandon and discontinue its provision of local exchange telecommunications service and to relinquish its eligible telecommunications carrier (ETC) status and designation in Wyoming. VCI has requested the WPSC issue such orders necessary to cancel its Certificate of Public Convenience and Necessity (CPCN) to provide local exchange telecommunications services and allowing the relinquishment of its ETC designation.

VCI stated in its filing that it currently has no Wyoming customers, is not in possession of any deposits, prepayments, and has no outstanding service or financial obligations to Wyoming customers. It also states that it has no customer records for Wyoming and no evidence of any notice of termination of its services in Wyoming.

VCI has filed a report with the Wyoming Universal Service Fund (WUSF) for the third quarter of 2008 claiming local exchange revenue. The revenue reported indicates that the company has approximately 100 customers in Wyoming. Additionally, commission staff contacted the Low Income Division at the Universal Service Administrative Company (USAC) about VCI's intent to discontinue service in Wyoming and relinquish its ETC designation. USAC was unaware of VCI's intent to discontinue service in Wyoming and relinquish its ETC designation. Further, USAC advised that VCI was scheduled to receive a federal low income support payment at the end of November for Wyoming customers, and that VCI in its last filing with USAC indicated it was serving approximately 2,458 low income customers in Wyoming.

The WPSC issued a Letter Order (Exhibit A) on December 5, 2008, suspending VCI's certificate of authority to provide local exchange telecommunications services in Wyoming, cancelling its ETC designation, and directing VCI to file specified information deemed necessary to explain the aforementioned discrepancies with the WPSC on or before December 19, 2008.

The WPSC also issued a Subpoena Duces Tecum (Exhibit B) requiring production of the same information required by the Letter Order by December 19, 2008.

VCI did not file or provide the information described in the Letter order and the Subpoena Duces Tecum. Rather, on December 19, 2008, Stan Efferding, Secretary/Treasurer of VCI submitted a Motion to Quash Subpoena (Exhibit C) requesting the WPSC grant VCI the relief requested in its letter of November 17, 2008, cancelling the CPCN and ETC designation. VCI asserted in its response that the WPSC had cited "no rules or statutes apparently violated, no customers were harmed and VCI submits that the Commission has no authority over VCI because it has ceased to operate," and that "No additional information from VCI is necessary for the Commission to provide the relief requested."

After being notified that the Commission intended to consider the Motion to Quash Subpoena and the apparent failure to comply with the December 5, 2008 Letter Order, VCI, through Mr. Efferding, provided a letter dated December 23, 2008, (Exhibit D) asserting that the WPSC had no jurisdiction over VCI, that the Letter Order was not lawful, that the Subpoena was null and void, and stating that VCI would not participate in further proceedings.

At an open meeting on December 30, 2008, the WPSC considered and denied VCI's Motion to Quash Subpoena, and determined that "VCI or its officers or employees have failed, omitted or neglected to obey, observe or comply with" a lawful order of the WPSC. The WPSC directed its staff to prepare information to be reviewed by the Office of the Attorney General for ultimate referral to the District Attorney for Laramie County, Wyoming, for enforcement and penalty proceedings.

The WPSC is concerned that VCI has refused to provide basic information necessary to resolve discrepancies in its various filings as directed by order and subpoena while possibly receiving support from USAC for Wyoming customers that do not exist. We therefore urge you to apply appropriately intense scrutiny to all Universal Service Fund related applications and activities involving VCI.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Petrie", with a stylized flourish at the end.

Christopher Petrie
Secretary and Chief Counsel



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HARRY IVEY

Commission Administrator

CHRISTOPHER PETRIE

Secretary and Chief Counsel

Stanley J. Johnson, President
VCI Company
P.O. Box 98907
Lakewood, WA 98496-8907

Stanley Efferding, Secretary, Treasurer
VCI Company
P.O. Box 98907
Lakewood, WA 98496-8907

Re: IN THE MATTER OF THE LETTER NOTIFICATION AND REQUEST OF VCI
COMPANY FOR AUTHORITY TO CANCEL ITS CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO PROVIDE LOCAL EXCHANGE SERVICE
IN THE STATE OF WYOMING AND TO RELINQUISH ITS ELIGIBLE
TELECOMMUNICATIONS CARRIER (ETC) DESIGNATION IN WYOMING -
Docket No. 70104-22-TA-08 (Record No. 11963)

LETTER ORDER

(Issued December 5, 2008)

Gentlemen:

This matter is before the Wyoming Public Service Commission (Commission) upon VCI Company's (VCI or the Company) letter notification filed on November 17, 2008, advising the Commission of VCI's intent to abandon and discontinue its provision of local exchange telecommunications services and to relinquish its eligible telecommunications carrier (ETC) status and designation in Wyoming. VCI has requested the Commission issue such orders necessary to cancel its Certificate of Public Convenience and Necessity (CPCN) to provide local exchange telecommunications services and allowing the relinquishment of its ETC designation.

The Commission considered VCI's filing at its noticed open meeting on November 26, 2008. VCI stated in its filing that it currently has no Wyoming customers, is not in possession of any deposits, prepayments, and has no outstanding service or financial obligations to Wyoming consumers. VCI further states that, pursuant to the provisions of the federal Telecommunication Act of 1996 and 47 CFR § 54.205, it is required to notify state commissions of its intention to relinquish its ETC designation. VCI also attached to its filing a copy of its Section 63.71 Application to the FCC requesting authority to discontinue providing local exchange service in a number of states, including Wyoming.

At the November 26, 2008, open meeting, Commission staff expressed concern that VCI represented in its filing that it has no customers in Wyoming, but had filed a report with the Wyoming Universal Service Fund (WUSF) for the third quarter of 2008 claiming local exchange revenue. The revenue reported would indicate the Company has approximately 100 customers in Wyoming.

Commission staff contacted Mr. Stanley Efferding, VCI's Secretary/Treasurer, on November 19, 2008, and requested additional information to resolve this apparent inconsistency. Mr. Efferding stated the Company discontinued service to all its Wyoming customers as of November 1, 2008, without prior notification to its customers or the Commission. Commission staff requested the Company provide a list of its Wyoming Lifeline customers and explain how customers were notified that service was to be discontinued. Commission staff also contacted the Low Income Fund division at the Universal Service Administrative Company (USAC) and was advised that USAC was unaware of VCI's intent to discontinue service in Wyoming and relinquish its ETC designation. Further, USAC advised that VCI was scheduled to receive a federal low income support payment at the end of November for Wyoming customers, and that VCI in its last filing with USAC indicated it was serving approximately 2,458 low income customers in Wyoming.

The Commission again considered this matter at its open meeting of December 5, 2008. Given the significant disparity in the number of Wyoming customers reflected in the Company's filing and its reporting to the Wyoming Universal Service Fund (WUSF) and USAC, the Commission decided that VCI file with the Commission by December 19, 2008, the following information:

- (a) The number of customers served by VCI in Wyoming for each month of 2008;
- (b) A list of VCI's Wyoming customers for each month of 2008, including each customer's name, address and telephone number;
- (c) Copies of all communications transmitted by VCI to Wyoming customers in 2008, whether written or in any other format, relating to the proposed discontinuance of service.

These inconsistencies regarding the status of VCI and its Wyoming customers require the Commission to suspend the Company's certificate of public convenience and necessity while this matter is being resolved, pending further order of the Commission.

The timely production of the above-described information is mandatory. Failure to comply with a lawful order of this Commission may subject the Company or any officer, agent or employee, to fines or imprisonment under W.S. §§ 37-12-201, 37-12-202, 37-12-204, 37-12-211, and 37-12-212. The Commission will immediately refer this matter to the Wyoming Attorney General for enforcement in the event of VCI's failure to comply with this *Letter Order*.

The Commission further finds and concludes it is in the public interest to suspend VCI's certificate authority to provide local exchange telecommunications services in Wyoming and cancel VCI's Wyoming ETC designation. The Commission will provide USAC a copy of this *Letter Order* to avert inappropriate payment of federal low income support to VCI.


IT IS THEREFORE ORDERED:

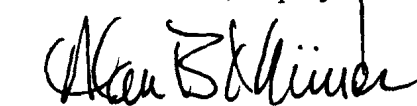
1. Pursuant to open meeting action taken on November 26 and December 5, 2008, VCI Company's relinquishment of its Eligible Telecommunications Carrier designation is accepted, and designation is hereby cancelled. Further, VCI Company's Certificate of Public Convenience and Necessity to provide local exchange telecommunications service in Wyoming is suspended pending further consideration by the Commission.
2. VCI shall comply with the Commission's direction to submit the above-described information, in written form, to the Commission on or before December 19, 2008.
3. This *Letter Order* is effective immediately.

MADE and ENTERED at Cheyenne, Wyoming, this 5th day of December, 2008.


PUBLIC SERVICE COMMISSION OF WYOMING


KATHLEEN A. LEWIS, Chairman


STEVE OXLEY, Deputy Chairman


ALAN B. MINIER, Commissioner




DAVID J. LUCERO, Assistant Secretary

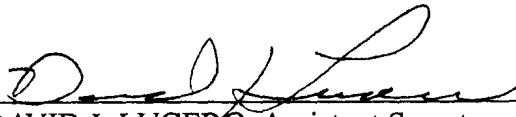
I certify the foregoing *Letter Order* was sent via USPS Certified Return Receipt Mail and USPS First Class Mail to the persons listed below pursuant to the Rules of the Wyoming Public Service Commission on this 5th day of December, 2008.

Stanley J. Johnson, President
VCI Company
P.O. Box 98907
Lakewood, WA 98496-8907

Stanley Efferding, Secretary, Treasurer
VCI Company
P.O. Box 98907
Lakewood, WA 98496-8907

VCI Company
C/O National Registered Agents, Inc.
1821 Logan Ave.
Cheyenne, WY 82001

Universal Service Administrative Company
Pam Gallant, Director
2000 L. St., NW, Ste. 200
Washington DC 20036



DAVID J. LUCERO, Assistant Secretary

STATE OF WYOMING }
 } ss.
 COUNTY OF LARAMIE }

BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING

IN THE MATTER OF THE LETTER)
 NOTIFICATION AND REQUEST OF VCI)
 COMPANY FOR AUTHORITY TO CANCEL) DOCKET NO. 70104-22-TA-08
 ITS CERTIFICATE OF PUBLIC) (RECORD NO. 11963)
 CONVENIENCE AND NECESSITY TO)
 PROVIDE LOCAL EXCHANGE SERVICE IN)
 THE STATE OF WYOMING AND TO)
 RELINQUISH ITS ELIGIBLE)
 TELECOMMUNICATIONS CARRIER (ETC))
 DESIGNATION IN WYOMING)

SUBPOENA DUCES TECUM

TO: Stanley J. Efferding, Secretary, Treasurer
 VCI Company
 c/o National Registered Agents Inc
 1821 Logan Avenue
 Cheyenne, WY 82001

YOU ARE HEREBY COMMANDED to produce to the Wyoming Public Service Commission located at 2515 Warren Avenue, Ste. 300, Cheyenne, Wyoming 82001 by 5:00 p.m. on Friday, December 19, 2008, the following documents to wit:

- a) the number of customers served by VCI in Wyoming for each month in 2008;
- b) a list of VCI's Wyoming customers for each month in 2008, including each customer's name, address, and telephone number; and,
- c) copies of all communications transmitted by VCI to Wyoming customers in 2008, whether written or in any other format, relating to the proposed discontinuance of service.

Rule 45 of the Wyoming Rules of Civil Procedure states in part:

(c) Protection of persons subject to subpoenas. -

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises - or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the

materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
- (i) fails to allow reasonable time for compliance;
 - (ii) requires a person who is not a party or an officer of a party to travel outside that person's county of residence or employment or a county where that person regularly transacts business in person except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;
 - (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) *Duties in responding to subpoena.* -

- (1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
 - (B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.
 - (C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.
 - (D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.
- (2) (A) When information or material subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.
- (B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the

basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) *Contempt.* -

Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(a).

Amended October 21, 1970, effective February 11, 1971; amended November 6, 1980, effective January 28, 1981; amended October 22, 1992, effective January 12, 1993; amended January 8, 2008, effective July 1, 2008.

DATED this 5th day of December 2008.



A handwritten signature in black ink, which appears to read "Christopher Petrie". The signature is fluid and cursive, written over a horizontal line.

CHRISTOPHER PETRIE, Secretary & Chief Counsel
Wyoming Public Service Commission
2515 Warren Avenue, Suite 300
Cheyenne, Wyoming 82002

RETURN OF SERVICE

STATE OF WYOMING }
COUNTY OF LARAMIE } ss.

IN THE MATTER OF THE LETTER)
NOTIFICATION AND REQUEST OF VCI)
COMPANY FOR AUTHORITY TO CANCEL) DOCKET NO. 70104-22-TA-08
ITS CERTIFICATE OF PUBLIC) (RECORD NO. 11963)
CONVENIENCE AND NECESSITY TO)
PROVIDE LOCAL EXCHANGE SERVICE IN)
THE STATE OF WYOMING AND TO)
RELINQUISH ITS ELIGIBLE)
TELECOMMUNICATIONS CARRIER (ETC))
DESIGNATION IN WYOMING)

I, Rick Sargent, Civil Service in and for said Wyoming Public Service Commission,
County of Laramie, State of Wyoming, do hereby certify that I received the within Subpoena
Duces Tecum filed in the case of Docket No. 70104-22-TA-08, and that I served the same in the
County aforementioned on the 5 day of December, 2008 by delivering a copy of the same
to: Carol Walker.

Stanley J. Efferding, Secretary, Treasurer
VCI Company
c/o National Registered Agents Inc
1821 Logan Avenue
Cheyenne, WY 82001

By: Rick Sargent Process Server
Rick Sargent
Civil Service

Civil Service Fees

Service \$20.00

Total \$20.00

FILED
PUBLIC SERVICE COMMISSION
OF WYOMING

DEC 19 2008

BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING

IN THE MATTER OF THE LETTER)
NOTIFICATION AND REQUEST OF)
VCI COMPANY FOR AUTHORITY TO)
CANCEL ITS CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY)
TO PROVIDE LOCAL SERVICE)
IN THE STATE OF WYOMING AND TO)
RELINQUISH ITS ELIGIBLE TELECOM-)
MUNICATIONS CARRIER DESIGNATION IN)
WYOMING)

DOCKET NO. 70104-22-TA-08

MOTION TO QUASH SUBPOENA

COMES NOW VCI COMPANY ("VCI"), by its undersigned officer, and moves the Public Service Commission of Wyoming ("Commission") to quash the Subpoena Duces Tecum ("Subpoena") issued December 5, 2008 in the above docketed matter. Rule 45(c)(3)(A) of the Wyoming Rules of Civil Procedure provides in pertinent part that the body issuing a subpoena *shall* quash the subpoena is it 1) fails to allow reasonable time for compliance; 2) requests a person who is not a party or an officer of a party to travel outside that person's county of residence or employment or a county where that person regularly transacts business in person; 3) requires disclosure of a trade secret or other confidential research, development, or commercial information or 4) subjects a person to undue burden. The Commission must quash the Subpoena as the Subpoena subjects VCI to undue burden and the Commission does not have jurisdiction to issue the Subpoena. VCI reserves the right to supplement this Motion in the event that it determines additional reasons why the Subpoena must be quashed.

A. BACKGROUND

On November 17, 2008, VCI, a competitive carrier and ETC, filed with the Commission a letter ("Letter") informing the Commission of its intention to cease providing service and

relinquish its ETC with attached FCC Section 63.71 application. In the Letter, VCI requested the Commission to "issue any necessary orders canceling its service authority and permitting relinquishment of its ETC designation" because it was unclear whether the Commission was required by rule or statute to issue any orders at all. In filing this documentation, VCI fulfilled what it believed were requirements for non-facilities based, competitive carriers in Wyoming and the requirements of the Telecommunications Act of 1996. As indicated in the Letter, VCI had no customers as of November 1, 20008. Thus, VCI has ceased providing telecommunications services in Wyoming. On December 5, the Commission issued an order and subpoena requesting certain information from VCI. The Commission has no legitimate reason for requesting the information subpoenaed – the information is wholly unrelated to the purpose of the Letter and issuance of the subpoena is beyond the jurisdiction of the Commission. The Commission must quash the Subpoena.

B. THE COMMISSION CITES NO STATUTES OR RULES VIOLATED, NEGLECTS TO STATE CONSUMER HARM

The information subpoenaed by the Commission is unnecessary and extraneous to the act of cancelling VCI's CPCN and permitting relinquishment of its ETC designation because the Commission has cited to no rule, statute or order that it believes VCI to have violated. In addition, the Commission's Order neglects to indicate harm to consumers of any kind as a result of VCI's withdrawal from the Wyoming telecommunications market. The Order does not report consumers complaining to the Commission of being precipitously cut off from telephone service.

C. VCI IS NEITHER A PUBLIC UTILITY NOR A TELECOMMUNICATIONS COMPANY OVER WHICH THE COMMISSION HAS JURISDICTION PER THE WYOMING STATUTES

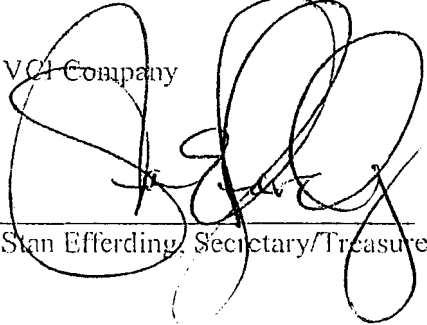
The Commission no longer has jurisdiction over VCI for the issuance of the Subpoena. The Commission's statutory jurisdiction extends to public utilities and to telecommunications

companies. VCI does not fall within the definition of public utility. Furthermore, VCI no longer fits within the definition of telecommunications company because it is not *providing* telecommunications service within Wyoming. As Commission staff was informed, VCI no longer provides telecommunications service in any state – it is no longer operational. Period.

D. CONCLUSION

In conclusion, VCI respectfully requests the Wyoming Public Service Commission to grant VCI the relief it requested in the Letter, cancellation of its CPCN and relinquishment of its ETC designation, *if Wyoming law or regulation requires the Commission to issue orders to that effect*. The Commission has cited to no rules or statutes apparently violated, no customers were harmed and VCI submits that the Commission has no authority over VCI because it has ceased to operate. No additional information from VCI is necessary for the Commission to provide the relief requested. The Commission must quash the Subpoena as unduly burdensome and outside of the Commission's jurisdiction.

Respectfully Submitted this 19th day of December 2008.

VCI Company

Stan Efferding, Secretary/Treasurer

**VCI
Company**

FILED
PUBLIC SERVICE COMMISSION
OF WYOMING

DEC 29 2008

P.O. Box 98907
Lakewood, WA 98496-8907
Phone: (800) 923-8375
Fax: (253) 475-6328

Via Facsimile and Overnight Delivery

December 23, 2008

Docketing Office
Wyoming Public Service Commission
Hansen Building Suite 300
2515 Warren Avenue
Cheyenne, WY 82002

Re: Docket No. 70104-22-TA-08

Sir/Madam:

Michael Rosenthal's office informed me that the Commission seeks to schedule a hearing to review the Motion to Quash Subpoena ("Motion") filed by VCI Company ("VCI" or "Company") in the above referenced proceeding. It is VCI's opinion that the Commission lacks jurisdiction over the Company. Thus, the Commission had no authority to initiate the instant proceeding, issue the December 5, 2008 order ("December 5 Order") or the December 5, 2008 subpoena ("Subpoena"). Accordingly, VCI hereby notifies the Commission that it respectfully declines to participate in any hearing scheduled by the Commission regarding the Subpoena, will not respond to the Subpoena (or any other subpoenas the Commission may issue to VCI) and will not participate further in Docket No. 70104-22-TA-08.

VCI was authorized to provide UNE-P and resale services and designated a "telecommunications company" (not a "public utility") by Commission order issued July 21, 2003 ("July 2003 Order"). Neither VCI's services nor its rates were regulated by the Commission during the period the Company served Wyoming consumers. Because of the Commission's lack of regulation over telecommunications providers, like VCI, who do not have facilities *in the ground*, VCI notified the Commission informally of its intention to cease providing service. In the letter filed November 17, VCI requested that the Commission cancel its CPCN and permit relinquishment of its ETC designation. VCI also informed the Commission that it provided service to no Wyoming consumers as of November 1, 2008.

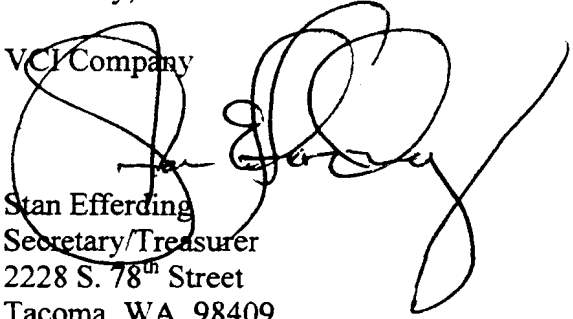
The July 2003 Order states that VCI is subject to the Commission's jurisdiction because it is a "telecommunications company." Wyoming statutes define a "telecommunications company" as a "person engaged in the furnishing of telecommunications services within this state." Wyo. Stat. Sec. 37-15-103. As of November 1, 2008, VCI was no longer engaged in the furnishing of telecommunications services in Wyoming. VCI, then, was no longer a telecommunications

company as of November 1, 2008 and, as of November 1, 2008, the Company was no longer subject to the jurisdiction of the Commission.

It is VCI's opinion that the Commission exceeded its jurisdictional authority when it initiated the proceedings in Docket No. 70104-22-TA-08, issued the December 5 Order and issued the Subpoena.¹ As the Commission lacks jurisdiction over VCI, the December 5 Order is not a lawful order and the Subpoena is null and void. Accordingly, VCI declines to participate in any scheduled hearing, will not respond to the Subpoena (should the Commission deny VCI's Motion to Quash), and hereby notifies the Commission that the Company will not participate further in Docket No. 70104-22-TA-08.

Sincerely,

VCI Company



Stan Efferding
Secretary/Treasurer
2228 S. 78th Street
Tacoma, WA 98409
Tel: (206) 419-5948
Fax: (253) 475-6328
E-mail: Vilaire@comcast.net

¹VCI also challenges the Commission's issuance of the Subpoena on the ground that the Commission lacks subject matter jurisdiction over the information requested. The Commission does not allege in the December 5 Order that VCI violated any Commission rule or Wyoming statute and also fails to allege that VCI harmed any consumer as a result of its withdrawal from the Wyoming telecommunications market. The Subpoena appears to implicate no legitimate Commission interest.